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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-608**

12 **JANICE MARY MANZO**
13 **605 Mentone Avenue, Apt. B**
14 **Grover Beach, CA 93433**

ACCUSATION

15 **Registered Nurse License No. 383659**

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about March 31, 1985, the Board of Registered Nursing issued Registered
25 Nurse License Number 383659 to Janice Mary Manzo (Respondent). The Registered Nurse
26 License was in full force and effect at all times relevant to the charges brought herein and will
27 expire on June 30, 2010, unless renewed.
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1 person who holds a license, upon the ground that the applicant or the licensee has
2 been convicted of a crime substantially related to the qualifications, functions, and
3 duties of the licensee in question, the record of conviction of the crime shall be
4 conclusive evidence of the fact that the conviction occurred, but only of that fact, and
the board may inquire into the circumstances surrounding the commission of the
crime in order to fix the degree of discipline or to determine if the conviction is
substantially related to the qualifications, functions, and duties of the licensee in
question.

5 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,'
6 and 'registration.'

7 9. Section 2761 of the Code states:

8 The board may take disciplinary action against a certified or licensed
nurse or deny an application for a certificate or license for any of the following:

9 (a) Unprofessional conduct, which includes, but is not limited to, the
10 following:

11

12 (f) Conviction of a felony or of any offense substantially related to the
13 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

14

15 10. Section 2762 of the Code states:

16 In addition to other acts constituting unprofessional conduct within the
17 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

18

19 (b) Use any controlled substance as defined in Division 10 (commencing
20 with Section 11000) of the Health and Safety Code, or any dangerous drug or
dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
21 in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license.

22 (c) Be convicted of a criminal offense involving the prescription,
23 consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification of a
24 record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

25 11. Title 16, California Code of Regulations, section 1444, states:

26 A conviction or act shall be considered to be substantially related to the
27 qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a
28 manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

1 (a) Assaultive or abusive conduct including, but not limited to, those
violations listed in subdivision (d) of Penal Code Section 11160.

2 (b) Failure to comply with any mandatory reporting requirements.

3 (c) Theft, dishonesty, fraud or deceit.

4 (d) Any conviction or act subject to an order of registration pursuant to
5 Section 290 of the Penal Code.

6 12. Title 16, California Code of Regulations, section 1445(b), states:

7 (b) When considering the suspension or revocation of a license on the
8 grounds that a registered nurse has been convicted of a crime, the board, in evaluating
the rehabilitation of such person and his/her eligibility for a license will consider the
following criteria:

9 (1) Nature and severity of the act(s) or offense(s).

10 (2) Total criminal record.

11 (3) The time that has elapsed since commission of the act(s) or offense(s).

12 (4) Whether the licensee has complied with any terms of parole,
13 probation, restitution or another sanctions lawfully imposed against the licensee.

14 (5) If applicable, evidence of expungement proceedings pursuant to
Section 1203.4 of the Penal Code.

15 (6) Evidence, if any, of rehabilitation submitted by the licensee.

16 **COST RECOVERY**

17 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licensee found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(June 19, 2009 Conviction of DUI on May 20, 2009)**

23 14. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the
24 Code in that she was convicted of a crime that is substantially related to the qualifications, duties,
25 and functions of a nurse. The circumstances are as follows:

26 a. On or about June 19, 2009, in a criminal proceeding entitled *People of the State*
27 *of California v. Janice Mary Manzo*, in Orange County Superior Court, case no. 09HM04297,
28 Respondent was convicted on her plea of guilty for violating Vehicle Code Section 23152(a),

1 driving under the influence, with an enhancement under Vehicle Code section 23538(b)(2), blood
2 alcohol content .20 percent or more by weight.

3 b. As a result of the conviction, on or about June 19, 2009, Respondent was
4 sentenced to 3 years informal probation, ordered to attend a Level II First Offender Alcohol
5 Program, to complete 104 hours of community service, and to pay fees and restitution in the
6 amount of \$1720.

7 c. The facts that led to the conviction were that on or about May 20, 2009, a
8 witness observed Respondent driving erratically on the southbound 5 Freeway in Orange County,
9 followed her to a Park and Ride parking lot at Walnut and Jeffrey in the City of Irvine and
10 reported her to the police. The police proceeded to that Park and Ride parking lot and
11 encountered Respondent who was lying back in the driver's seat in her vehicle with the engine
12 running and the lights on. She appeared to be passed out. Respondent told the police that she
13 was driving from her home to a "detox center" and that she had been drinking vodka "a little bit
14 here and there" since 9:00 a.m. She also told the police officer that she believed she was
15 somewhere in Los Angeles. The police officer found a coffee mug with approximately one inch
16 of a clear alcoholic beverage inside it resting in the cup holder in the center console between her
17 driver's seat and the front passenger seat. He also found a Skyy brand vodka bottle that was
18 about 2/3 full sitting on the front passenger floorboard, an empty bottle of Charles Shaw wine on
19 the floorboard directly behind the driver's seat and two empty bottles of Skyy vodka in the trunk.
20 She was arrested on suspicion of drunk driving. Two breath tests were administered to
21 Respondent and her blood alcohol content was 0.26% approximately one and a half hours after
22 her arrest.

23 SECOND CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct-Conviction Involving Alcoholic Beverages)

25 15. Respondent is subject to disciplinary action under section 2762(c) of the Code for
26 unprofessional conduct in that she was convicted of a criminal offense involving the consumption
27 or self-administration of alcoholic beverages as more fully set forth in paragraph 14 above.
28

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct-Use of Alcoholic Beverages to a Dangerous Extent)**

3 16. Respondent is subject to disciplinary action under section 2762(b) of the Code for
4 unprofessional conduct in that she used alcoholic beverages to an extent or in a manner that was
5 dangerous to herself and the public when on May, 20, 2009, Respondent was driving under the
6 influence of alcohol as more fully set forth in paragraph 14 above.

7 **DISCIPLINARY CONSIDERATIONS**

8 17. To determine the degree of discipline, if any, to be imposed on Respondent,
9 Complainant alleges that in a prior disciplinary action entitled *In the Matter of the Accusation*
10 *Against Janice Mary Manzo aka Janice Mary Gaffney*, before the Board of Registered Nursing, in
11 case number 98-35, Respondent's license was revoked and the revocation stayed while she was
12 placed on probation for two years on terms and conditions for unprofessional conduct, which
13 became effective on June 9, 2000. Probation was completed on or about June 9, 2002. Discipline
14 was imposed as a result of Respondent's gross negligence in the administration of controlled
15 substances and dangerous drugs; falsification of and grossly incorrect, grossly inconsistent or
16 unintelligible entries made in hospital and patient records pertaining to controlled substances; and
17 diversion of a controlled substance and dangerous drug, Demerol. Respondent admitted to the
18 charges in the Stipulated Settlement and Disciplinary Order effective June 9, 2000.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:


22 1. Revoking or suspending Registered Nurse License Number 383659, issued to Janice
23 Mary Manzo;

24 2. Ordering Janice Mary Manzo to pay the Board of Registered Nursing the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3;
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3. Taking such other and further action as deemed necessary and proper.

DATED: 5/25/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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5

6 Attorneys for Complainant
7

8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation)	NO 98-35
Against:)	
12 JANICE MARY MANZO)	STIPULATED SETTLEMENT
13 aka JANICE MARY GAFFNEY)	AND DISCIPLINARY ORDER
4286 Ridgcrest Street)	
14 Santa Maria, California 93455)	
Registered Nurse License)	
15 No. 383659)	
16 Respondent.)	

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the
19 parties to the above-entitled proceedings that the following
20 matters are true:

- 21 1. An Accusation, No. 98-35, is currently pending
22 against Janice M. Manzo, R.N. (hereinafter "Respondent"). Said
23 Accusation having been filed with the Board on August 13, 1997.
24 2. The Accusation, together with all other
25 statutorily required documents, was duly served on Respondent on
26 or about August 27, 1997, and Respondent filed a timely Notice of
27 Defense contesting the Accusation. A copy of Accusation No. 98-

1 35 is attached as Attachment "A" and incorporated by reference as
2 if fully set forth herein.

3 3. The Complainant, Ruth Ann Terry, M.P.H., R.N. was
4 the Executive Officer of the Board of Registered Nursing
5 (hereinafter the "Board") and brought this action solely in her
6 official capacity.

7 4. At all time relevant herein, Respondent has been
8 licensed by the Board of Registered Nursing under Registered
9 Nurse License No. 383659..

10 5. Respondent understands the nature of the charges
11 alleged in the Accusation as constituting cause for imposing
12 discipline upon her license to practice as a registered nurse.
13 Respondent is fully aware of her right to a hearing on the
14 charges and allegations contained in said Accusation, her right
15 to confront and cross-examine witnesses against her, her right to
16 reconsideration, appeal, and all other rights accorded pursuant
17 to the California Business and Professions Code and Government
18 Code and, with this in mind, freely, voluntarily, and irrevocably
19 waives such rights.

20 6. For purposes and resolution of this matter only,
21 Respondent admits to the truth of each and every allegation of
22 Accusation No. 98-35, and agrees that Respondent has thereby
23 subjected her license to disciplinary action. Respondent agrees
24 to the Board's Disciplinary Order as set out in the Order below.

25 7. In consideration of the foregoing admissions and
26 findings, the parties agree that the Board shall, without

27 / / - /

1 further notice of formal proceeding, issue and enter an Order as
2 follows:

3 ORDER

4 IT IS HEREBY ORDERED that Registered Nurse License No.
5 383659 issued to Janice M. Manzo, R.N. is revoked. However, the
6 revocation is stayed and Respondent is placed on probation for
7 two (2) years on the following terms and conditions:

8 7. OBEY ALL LAWS

9 Respondent shall obey all federal, state, and local
10 laws, and all rules and regulations of the Board of Registered
11 Nursing. A full and detailed account of any and all violations
12 of law shall be reported by Respondent to the Board in writing
13 within seventy-two (72) hours of occurrence.

14 8. COMPLY WITH PROBATION PROGRAM

15 Respondent shall fully comply with the terms and
16 conditions of the Probation Program established by the Board and
17 cooperate with representatives of the Board in its monitoring and
18 investigation of Respondent's compliance with the Program.
19 Respondent shall inform the Board in writing within no more than
20 15 days of any address change and shall at all times maintain an
21 active, current license status with the Board, including during
22 any period of suspension.

23 9. REPORT IN PERSON

24 Respondent, during the period of probation, shall
25 report in person at interviews/meetings as directed by the Board
26 or its designated representatives.

27 \ \ \

1 10. ABSENCE FROM STATE

2 Periods of residency or practice outside of California
3 will not apply to the reduction of this probationary term. The
4 Respondent must provide written notice to the Board within
5 fifteen (15) days of any change of residence or practice outside
6 the state.

7 11. SUBMIT WRITTEN REPORTS

8 Respondent, during the period of probation, shall
9 submit such written reports/declarations and verification of
10 actions under penalty of perjury, as are required. These
11 declarations shall contain statements relative to Respondent's
12 compliance with all the terms and conditions of the Board's
13 Probation Program. Respondent shall immediately execute all
14 release of information forms as may be required by the Board or
15 its representatives.

16 12. FUNCTION AS A REGISTERED NURSE

17 Respondent, during the period of probation, shall
18 engage in the practice of professional nursing in California for
19 a minimum of twenty-four (24) hours per week (or as determined by
20 the Board) for six (6) consecutive months. Per section 2732 of
21 the Business and Professions Code, no person shall engage in the
22 practice of registered nursing without holding a license which is
23 in an active status.

24 13. NURSING PRACTICE

25 The Board shall be informed of, and approve of, each
26 agency for which Respondent provides nursing services prior to
27 Respondent's commencement of work. Respondent shall inform her

1 employer of the reason for, and the terms and conditions of,
2 probation and shall provide a copy of the Board's Decision and
3 Order to her employer and immediate supervisor. The employer
4 shall submit performance evaluations and other reports as
5 requested by the Board. Respondent is also required to notify
6 the Board in writing within seventy-two (72) hours after
7 termination of any nursing employment. Any notification of
8 termination shall contain a full explanation of the circumstances
9 surrounding it.

10 14. SUPERVISION

11 The Board shall be informed of, and approve of, the
12 level of supervision provided to Respondent while she is
13 functioning as a registered nurse. The appropriate level of
14 supervision must be approved by the Board prior to commencement
15 of work. Respondent shall practice only under the direct
16 supervision of a registered nurse in good standing (no current
17 discipline) with the Board of Registered Nursing.

18 15. EMPLOYMENT LIMITATIONS

19 Respondent may not work for a nurse registry; temporary
20 nurse agency; home care agency; in-house nursing pool; as a
21 nursing supervisor; as a faculty member in an approved school of
22 nursing; or an instructor in a Board-approved continuing
23 education program. Respondent must work only on regularly
24 assigned, identified, and predetermined worksite(s) with
25 appropriate supervision as approved by the Board.

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1 16. COMPLETE A NURSING COURSE

2 Respondent, at her expense, shall begin and
3 successfully complete (a) course(s) in nursing as directed by the
4 Board prior to engaging in the practice of nursing and prior to
5 the end of the probationary term.

6 Respondent may be suspended from practicing nursing
7 until the necessary coursework is completed. The content of such
8 course(s), and the place and conditions of instruction, shall be
9 specified by Board representatives at the time of the initial
10 probation meeting based on the nature of the violation(s).
11 Specific courses must be approved prior to enrollment.

12 Respondent must submit to the Board written proof of enrollment
13 and proof of successful completion. Transcripts or certificates
14 of completion must be mailed directly to the Board by the agency
15 or entity instructing Respondent.

16 Home study or correspondence courses are not acceptable
17 and will not be approved.

18 17. VIOLATION OF PROBATION

19 If Respondent violates the conditions of her probation
20 in any respect the Board, after giving Respondent notice and an
21 opportunity to be heard, may set aside the stay order and impose
22 the stayed discipline, i.e., revocation of Respondent's
23 registered nurse license.

24 If during the period of probation, an Accusation or
25 Petition to Revoke Probation has been filed against Respondent's
26 license, or the Attorney General's Office has been requested to
27 prepare an Accusation or Petition to Revoke Probation against

1 Respondent's license, the probationary period shall automatically
2 be extended and shall not expire until the Accusation or Petition
3 has been acted upon by the Board. Upon successful completion of
4 probation, Respondent's license will be fully restored.

5 18. MENTAL HEALTH EXAMINATION:

6 Respondent shall within forty-five (45) days from the
7 effective date of the Stipulation, have a mental health
8 examination to determine her capability to perform the duties of
9 a registered nurse. The examination must be performed by a
10 licensed psychiatrist, psychologist or other mental health
11 professional who has experience in the diagnosis and treatment of
12 chemical dependency and alcoholism. The examiner must submit a
13 complete, written narrative report of the examination.
14 Respondent shall bear all costs for the examination process
15 including the cost for any testing required by the examiner. If
16 the examiner discovers that Respondent is or has been dependent
17 upon drugs or alcohol, or has had (a) problem(s) with drugs
18 and/or alcohol (i.e., drug dependence in remission and/or alcohol
19 dependence in remission); then Respondent must further comply
20 with the following additional terms and conditions of probation:

21 (a) PHYSICAL EXAMINATION: Respondent shall, at her
22 own expense and within a reasonable period of time as
23 determined by the Board or its designee, have a
24 licensed physician submit, in a format acceptable to
25 the Board, an assessment of Respondent's physical
26 condition and capability to perform the duties of a
27 professional registered nurse. If medically.

1 determined, a recommended treatment program will be
2 instituted and followed by Respondent with the
3 physician providing written reports to the Board on
4 forms provided by the Board.

5 (b) PARTICIPATE IN REHABILITATION PROGRAM FOR CHEMICAL
6 DEPENDENCE: Respondent shall, at her own expense,
7 successfully complete, or shall have successfully completed,
8 a treatment/rehabilitation program of at least six (6)
9 months duration which the Board approves. Reports shall be
10 submitted by the program on forms provided by the Board. If
11 Respondent has not completed a treatment program prior to
12 commencement of probation, Respondent shall, within a
13 reasonable period of time as determined by the Board or its
14 designee, be enrolled in a treatment program. If a
15 treatment program is not successfully completed within nine
16 (9) months from the start of the treatment program, the
17 Board will consider Respondent to be in violation of
18 probation and will initiate further disciplinary action
19 against Respondent's license. In addition, Respondent must
20 attend two 12-step recovery meetings per week (e.g.,
21 Narcotics Anonymous, Alcoholic Anonymous, etc.) and a nurse
22 support group as directed by the Board. If a nurse support
23 group is not available, an additional 12-step meeting must
24 be added. Respondent must submit dated and signed
25 documentation confirming such attendance to the Board during
26 the entire period of probation.

27 (c) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)

1 DRUGS: Respondent shall completely abstain from the
2 possession, injection or consumption by any route of all
3 psychotropic (mood-altering) drugs, including alcohol,
4 except when the same are lawfully prescribed by a licensed
5 physician or dentist as part of documented medical
6 treatment. Respondent shall have sent to the Board, in
7 writing and within fourteen (14) days, by the prescribing
8 physician or dentist, a report identifying the medication,
9 dosage, the date the medication was prescribed, Respondent's
10 prognosis, and the date the medication will no longer be
11 required.

12 (d) SUBMIT TO TESTS AND SAMPLES: Respondent shall, at
13 her own expense, participate in a random, biological fluid
14 testing or a drug screening program which the Board
15 approves. The length of time and frequency will be subject
16 to approval by the Board. Respondent is responsible for
17 keeping the Board informed of Respondent's current telephone
18 number at all times and for ensuring that reports are
19 submitted directly by the testing agency to the Board, as
20 directed. Any confirmed positive finding shall be reported
21 immediately to the Board by the program and Respondent will
22 be considered in violation of probation. In addition,
23 Respondent shall, at all times during the period of
24 probation, fully cooperate with the Board and all of its
25 representatives, and shall, when requested, submit to such
26 tests and samples as the Board and/or its representatives

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may require for the detection of alcohol, narcotics,
hypnotics, dangerous drugs, and/or other controlled
substances.

19. COMPLETION OF PROBATION

Respondent's license shall be fully restored upon
successful completion of probation.

20. COST RECOVERY

Respondent shall make cost recovery to the Board
pursuant to Business and Professions Code Section 125.3 payable
in the amount of two thousand one hundred forty-eight dollars
(\$2,148.00). Respondent shall make payment in eighteen (18)
monthly installments of \$119.33. If Respondent fails to pay the
costs as specified by the Board, the Board shall, without
affording Respondent notice and an opportunity to be heard,
~~revoke probation and carry out the disciplinary Order that was~~
stayed. Such payment shall begin within thirty (30) days of the
signing of this Stipulation and is payable to the Board of
Registered Nursing by certified check or money order on the face
of which indicates that this is cost recovery in Case No. 98-35.

21. The within Stipulation shall be subject to the
approval of the Board. If the Board fails to adopt this
Stipulation as its Order, the Stipulation shall be of no force or
effect for either party.

* * * * *

ACCEPTANCE

I have carefully read and fully understand the Stipulation and Order set forth above. I understand that in signing this Stipulation I am waiving my right to a hearing on the charges set forth in the Accusation on file in this matter. I further understand that in signing this Stipulation the Board shall enter the foregoing Order placing certain requirements, restrictions, and limitations on my right to practice as a Registered Nurse in the State of California.

1/25/00

Janice Mary Mayo
JANICE MARY MAYZO, R.N. aka
JANICE MARY GAFFNEY

Respondent

* * * * *

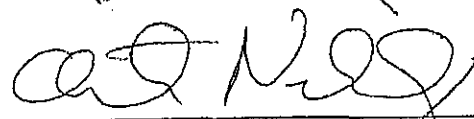
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ENDORSEMENT

I concur in the Stipulation and Order.

DATED: 2/4/00.

BILL LOCKYER, Attorney General
of the State of California
CHRISTINA M. NEBELING,
Deputy Attorney General



CHRISTINA M. NEBELING
Deputy Attorney General

Attorneys for Complainant

* * * * *

1 DECISION AND ORDER
2 OF THE BOARD

3 The foregoing Stipulation and Order, in No. 98-35, is
4 hereby adopted as the Order of the California Board of Registered
5 Nursing. An effective date of June 9th, 2000, has been
6 assigned to this Decision and Order.

7 Made this 10th day of May, 2000.

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11 Board of Registered Nursing
12 Department of Consumer Affairs
13 Complainant

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5 Attorneys for Complainant
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8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation)
Against:)

NO. 98-35

12 JANICE MARY MANZO)
13 aka JANICE MARY GAFFNEY)
4594 Martin Avenue)
14 Santa Maria, California 93455)
Registered Nurse License No. 383659)
15 Respondent.)
16

ACCUSATION

17 Ruth Ann Terry, M.P.H., R.N., for causes for
18 discipline, alleges:
19

20 1. Complainant Ruth Ann Terry, M.P.H., R.N., makes
21 and files this accusation in her official capacity as Executive
22 Officer, Board of Registered Nursing, Department of Consumer
23 Affairs, State of California.
24

25 2. On March 31, 1985, the Board of Registered Nursing
26 issued Registered Nurse License Number 383659 to Janice Mary
27 Manzo, also known as Janice Mary Gaffney. The license was in

1 full force and effect at all times pertinent herein and will
2 expire on June 30, 1998, unless renewed.

3

4 3. Under Business and Professions Code section 2750,
5 the Board of Registered Nursing may discipline any licensee,
6 including a licensee holding a temporary or an inactive license,
7 for any reason provided in Article 3 of the Nursing Practice Act.

8 Under Business and Professions Code section 2764, the
9 expiration of a license shall not deprive the Board of
10 jurisdiction to proceed with a disciplinary proceeding against
11 the licensee or to render a decision imposing discipline on the
12 license. Under Business and Professions Code section 2811(b),
13 the Board may renew an expired license at any time within eight
14 years after the expiration.

15 Under Business and Professions Code section 125.3, the
16 Board of Registered Nursing may request the administrative law
17 judge to direct a licensee found to have committed a violation
18 or violations of the licensing act to pay a sum not to exceed the
19 reasonable costs of the investigation and enforcement of the
20 case.

21

22 4. DRUGS

23 "Morphine Sulfate" is a Schedule II controlled
24 substance as designated by Health and Safety Code section
25 11055(b)(1)(M).

26 "Cefotan," an antibiotic, is a dangerous drug as
27 defined in Business and Professions Code section 4022 (formerly

1 section 4211) in that the substance cannot be dispensed without a
2 prescription under federal or state law.

3 "Demerol," a brand of meperidine hydrochloride, a
4 derivative of pethidine, is a Schedule II controlled substance as
5 designated by Health and Safety Code section 11055(c)(17).

6
7 5. Respondent has subjected her license to discipline
8 under Business and Professions Code section 2761(a)(1) on the
9 grounds of unprofessional conduct in that respondent was grossly
10 negligent, as defined in Title 16, California Code of
11 Regulations, section 1442, in that while employed as a registered
12 nurse at Marian Medical Center in Santa Maria, California,
13 respondent committed acts which constitute an extreme departure
14 from the standard of care which, under similar circumstances,
15 would have ordinarily been exercised by a competent registered
16 nurse, in the following respects:

17 a. On January 13, 1995, at or about 2 p.m.,
18 respondent failed to check the patients' charts or the
19 physicians' orders prior to infusing the medications contained in
20 two intravenous (IV) bags for two patients assigned to the same
21 room. Respondent administered two grams of Cefotan to patient
22 J.A. when, in fact, patient J.A.'s physician had ordered one gram
23 of Cefotan, and administered one gram of Cefotan to patient R.P.
24 when, in fact, patient R.P.'s physician had ordered two grams of
25 Cefotan.

26 b. On March 7, 1995, at 1:00 a.m., 4:05 a.m. and
27 6:00 a.m., respondent mismeasured and exceeded the physician's

1 order for the administration of 10 mgs. of morphine sulfate
2 elixir for patient H.J. when she measured 20 mg. doses of
3 morphine sulfate elixir.

4 c. On March 7, 1995, at 1:00 a.m., 4:05 a.m. and
5 6:00 a.m., respondent failed to administer the morphine sulfate
6 elixir to patient H.J., but instead gave the cups containing the
7 morphine sulfate elixir to patient H.J.'s father to administer to
8 his daughter.

9
10 6. Respondent has subjected her license to discipline
11 under Business and Professions Code section 2761(a) on the
12 grounds of unprofessional conduct as defined in section 2762(e)
13 of that code in that while on duty as a registered nurse at
14 Marian Medical Center in Santa Maria, California, respondent
15 falsified, made grossly incorrect, grossly inconsistent, or
16 unintelligible entries in hospital and patient records pertaining
17 to controlled substances and dangerous drugs in the following
18 respects:

19 a. On January 13, 1995, at approximately 2100 hours,
20 respondent charted administration of one gram of Cefotan to
21 patient J.A. on the patient's medication administration record,
22 but actually administered two grams of Cefotan, an amount in
23 excess of the physician's order.

24 b. On January 13, 1995, at approximately 2000 hours,
25 respondent charted administration of one gram of Cefotan to
26 patient R.P. on the patient's medication record, but actually
27 administered the medication at approximately 2100 hours, and

1 failed to administer the physician's ordered dosage of two grams
2 of Cefotan.

3 c. On March 7, 1995, at approximately 1:00 a.m., 4:05
4 a.m. and 6:00 a.m. hours, respondent signed for 10 mgs. (5 cc.)
5 of morphine sulfate elixir for patient H.J. on the hospital's
6 controlled drug record and charted administration of the
7 substance on the patient's medication record when, in fact,
8 respondent had withdrawn 20 mgs. (10 cc.) of morphine sulfate
9 elixir from the hospital supply (having measured the elixir in a
10 10 cc. cup instead of a 10 mgs. cup, as ordered) and had not
11 administered the substance herself but, on the three occasions,
12 had given the cup containing the 20 mgs. of elixir to the
13 patient's father to administer to his daughter.

14 d. On April 15, 1995, at approximately 1110 hours,
15 respondent signed for 50 mgs. of Demerol for patient C. on the
16 hospital's controlled substance record without a physician's
17 order for Demerol, and failed to chart administration of the
18 substance on the patient's medication record or otherwise account
19 for 50 mgs. of Demerol. (On April 14, 1995, at approximately
20 2300 hours, respondent had signed for 50 mgs. of Demerol for
21 patient C. without a physician's order and had wasted the 50 mgs.
22 of Demerol.)
23

24 7. Respondent has subjected her license to discipline
25 under Business and Professions Code section 2761(a) on the
26 grounds of unprofessional conduct as defined in section 2762(a)
27 of that code in that on April 15, 1995, while on duty as a

1 registered nurse at Marian Medical Center in Santa Maria,
2 California, respondent obtained Demerol by fraud, deceit,
3 misrepresentation or subterfuge in violation of Health and Safety
4 Code section 11173(a) in that she signed for 50 mg. of Demerol on
5 the hospital controlled drug records for patient C. without a
6 physician's order, and failed to account for the 50 mg. of
7 Demerol, as set forth in paragraph 6d.

8
9 8. Respondent has subjected her license to discipline
10 under Business and Professions Code section 2761(a) in that
11 respondent committed acts constituting unprofessional conduct, as
12 set forth in paragraphs 4, 5, 6 and 7.

13
14 WHEREFORE, complainant prays that a hearing be held and
15 that the Board of Registered Nursing make its order:

16 1. Revoking or suspending Registered License

17 Number 383659, issued to Janice Mary Manzo (also known as Janice
18 Mary Gaffney).

19 2. Ordering Janice Mary Manzo (also known as Janice
20 Mary Gaffney) to pay to the Board of Registered Nursing its costs
21 for the investigation and enforcement of the case according to
22 proof at the hearing, pursuant to Business and Professions Code
23 section 125.3.

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1 3. Taking such other and further action as may be
2 deemed proper and appropriate.

3 DATED: 8/13/97

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Ruth Ann Terry for
RUTH ANN TERRY, M.E.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

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(lk 6/23/97)